

REMARKS/ARGUMENTS

Reconsideration of this application and entry of the foregoing amendments are respectfully requested.

The title has been revised, as requested by the Examiner.

The specification has been amended to update the status of the parent application to include sequence identifiers and to update the address of the American Type Culture Collection.

Claims 8, 9, 12, 21, 22, 24, 25, 29 and 30 have been cancelled without prejudice. New claims 33-41, which are drawn to elected subject matter, have been added. The newly presented claims are fully supported by an enabling disclosure, including the claims as originally filed. Method claim 28 has been amended to include the limitations of new claim 33. Should claim 33 be found allowable, the Examiner is requested to rejoin and allow claim 28.

Claims 21 and 22 stand objected to as being depended on a non-elected claim. The objection is moot in view of the above-noted claim revisions.

Claims 21, 22, 29 and 30 stand rejected under 35 USC 112, first paragraph, as allegedly lacking written description. Withdrawal of the rejection is submitted to be in order in view of the above-noted claim revisions.

The language used to define the protein in the newly presented claims parallels that used in the parent case (now USP 6,072,034). Accordingly, reconsideration and withdrawal of the rejection are requested.

Claim 22 stands rejected under 35 USC 112, second paragraph, as allegedly being non-enabled. As the Examiner appreciates, the recited antibody has been deposited at the ATCC under Accession Number HB-12238. The deposit was made under the provisions of the Budapest Treaty. All restrictions on public access to the deposit will be irrevocably removed upon grant of a patent on this application.

Reconsideration is requested.

Claims 21, 22, 29 and 30 stand rejected under 35 USC 112, first paragraph, as allegedly being non-enabled. Withdrawal of the rejection is submitted to be in order in view of the above-noted claim revisions.

The Examiner's attention is again directed to the fact that the language used to define the protein in the newly presented claims parallels that used in the parent case that has now issued as USP 6,072,034. Accordingly, the newly presented claims are clearly enabled and reconsideration is requested.

Claims 21 and 22 stand rejected under 35 USC 101 as allegedly being drawn to non-statutory subject matter. Withdrawal of the rejection is submitted to be in order in view of the above-noted claim revisions which adopt the Examiner's suggested language.

This application is submitted to be in condition for allowance and a Notice to that effect is requested.

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Respectfully submitted,

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